

1982 APPEARED
ON PAGE A33

WASHINGTON POST
21 May 1987

Marine Corps Won't Try 3rd Spy Suspect Civilian Court Case Suggested

J By Bill McAllister
Washington Post Staff Writer

The Marine Corps announced yesterday it is unable to prosecute Sgt. John J. Weirick, the third security guard arrested on suspicion of spying for the Soviet Union, but suggested that the Justice Department might attempt to try him in a civilian court.

A spokesman for Justice said, however, that it has no intention of arresting Weirick when he is released from the brig at Camp Pendleton, Calif., where he has been held since April 7.

The decision to free Weirick, 26, was the latest confirmation of Defense Department difficulties in bringing to trial members of the youthful marine security staff suspected of trading secrets for sex while assigned to the Soviet Union. Last Friday the corps disclosed it was dropping the most serious charges against the first guard arrested, and yesterday a defense lawyer said prosecutors had suffered a setback in their efforts to press their case against the second.

Justice Department lawyers have criticized the way military authorities have handled the case and have expressed little enthusiasm about entering it. Yesterday, Justice spokesman Joe Krovinsky would say only that the case against Weirick will be taken "under review."

The Eureka, Calif., serviceman was suspected of having been lured into a sexual relationship with a Soviet woman and then allowing Soviet agents to enter the U.S. Consulate in Leningrad.

The alleged offenses occurred in 1982, well beyond the two-year statute of limitation for espionage under the Uniform Code of Military Justice, the laws governing members of the armed forces.

Civilian law allows prosecution up to five years after an alleged espionage offense, opening the possibility that the case could be tried in the civilian courts.

Marine Corps officials said that they had referred the case to Justice "where the offenses are subject to possible federal prosecution" and expected that, "because of the seriousness of the alleged offenses," Weirick soon will be discharged from the service.

Lt. Col. John M. Shotwell, a Marine spokesman, said that the service had held Weirick while investigators were seeking evidence of any espionage activities beyond

1982. They were unable to find any evidence and agreed to return him to his unit because "we can't hold him in confinement forever."

Separately, a defense lawyer at the Quantico Marine Base said that a judicial hearing officer had squelched an effort by prosecutors to question Lance Cpl. Arnold Bracy about a statement he allegedly made to investigators describing how he and Sgt. John J. Lonetree allowed KGB agents to enter the embassy in Moscow. He has since recanted that statement.

The defense lawyer, Lt. Col. Michael Powell, said that despite a promise to grant prosecutors latitude, the officer conducting a preliminary hearing in Bracy's case had restricted the questioning to events that transpired before the Queens, N.Y., marine was sent to Moscow. Bracy's lawyers had agreed to allow him to appear only on condition that questioning be limited. But prosecutors had said during a rare public session Tuesday that they hoped the hearing officer would allow them to question Bracy about his statement.

That statement, defense lawyers have said, was the only evidence supporting the government's claim that the two guards allowed agents access to the most sensitive areas of the embassy.

Charges that Lonetree allowed the Soviets to spend up to four hours in the embassy's communications areas were dismissed last Friday. Defense lawyers have said in interviews that they expect that the charges against Bracy, almost identical to the Lonetree charges, would therefore have to be dropped.

A hearing for the fourth marine guard accused of fraternizing with

Soviet women is scheduled for later this month at Quantico, and Lonetree's trial on a series of other espionage counts is expected to be held there in mid-July.